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PATENT  
Attorney Docket No.: STEM1170-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alan Upshall et al. Art Unit: 1615  
Application No.: 09/961,227 Examiner: Unassigned  
Filed: September 20, 2001  
Title: METHOD OF TREATMENT OF TUMORS USING TRANSFORMING  
GROWTH FACTOR-ALPHA

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application mailed October 29, 2001,  
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (2 pages);
2. An executed Declaration For Patent Application (3 pages);
3. Check in the amount of \$65.00; and
4. Sequence Listing – paper copy and diskette;
5. Verified Statement Under 37 C.F.R. § 1,821(f) (1 page);
6. Statement Under 37 C.F.R. § 1,821(f) and (g) (1 page); and
7. An executed Power of Attorney by Assignee (2 pages)

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>December 14, 2001</b> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Name of Person Mailing Paper <i>VISA CORP</i>	
Signature <i>John L. Conly</i>	Date <i>12/14/01</i>

In re Application of:  
Alan Upshall et al.  
Application No.: 09/961,227  
Filed: September 20, 2001  
Page 2

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Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.


The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate		Fee	
					Large Entity	Small Entity	Small Entity	Large Entity
Total Claims								
Independent Claims								
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
					BASIC FEE			
					TOTAL FEE			

Enclosed is a check in the total amount of \$65.00 for the surcharge fee for missing parts of the application. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: December 19, 2001

  
\_\_\_\_\_  
Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

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4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer Number 28213

Page 1 of 2  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/961.227	09/20/2001	Alan Upshall	STEM1170-1

28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

**CONFIRMATION NO. 4074**

## FORMALITIES LETTER



\*OC000000006990486\*

Date Mailed: 10/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

J. Biol. Chem. 269:14411-14416, 1994. © 1994 by American Society for Biochemistry and Molecular Biology. Printed in the USA.

**FILED UNDER 37 CFR 1.53(b)**

**Filing Date Granted**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
  - To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
  - **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.


**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**DISK TO STIC**

DATE: \_\_\_\_\_





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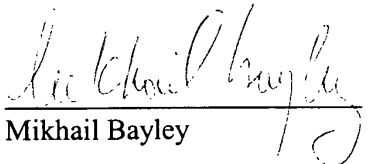
VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir:

I, Mikhail Bayley, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

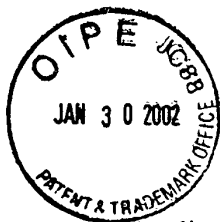
Date: 12/13/2001

  
Mikhail Bayley

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

Customer Number: 28213

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>December 19 2001</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Name of Person Mailing Paper <u>HGA CORP/LES</u>	
Signature <u>[Signature]</u>	Date <u>12/19/01</u>



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Commissioner for Patents  
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g)

Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

Respectfully submitted,

Date: 12/19/01

Lisa A. Haile, Ph.D.

Reg. No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

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Name of Person Mailing Paper

LISA CARY WARE

Signature

[Handwritten Signature]

12/19/01

Date